IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

| REGULO TRIGO AND CONSUELO TRIGO, | § § § |
|---------------------------------------|---------------------|
| Plaintiffs, | § CIVIL ACTION NO.: |
| V. | § JURY DEMAND |
| UNITED PROPERTY & CASUALTY | § § |
| INSURANCE COMPANY AND TANJI MEADOR | § |
| TAINJI WIEADOK | § 8 |
| Defendant. | § |

<u>DEFENDANT UNITED PROPERTY AND CASUALTY INSURANCE COMPANY'S NOTICE OF REMOVAL</u>

Defendant United Property and Casualty Insurance Company ("UPC") files this Notice of Removal:

A. Background

- 1. On December 1, 2015, Plaintiffs Regulo Trigo and Consuelo Trigo ("Plaintiffs") filed this lawsuit in Hidalgo County, Texas, naming UPC as defendant.
- 2. Plaintiffs served UPC with a copy of the Petition on December 28, 2015. Upon information and belief, Defendant Tanji Meador has not been served.
- 3. UPC files this notice of removal within 30 days of receiving Plaintiffs' initial pleading. See 28 U.S.C. § 1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. See id.
- 4. As required by Local Rule 81 and 28 U.S.C. § 1446(a), simultaneously with the filing of this notice of removal, attached hereto as Exhibit "A" is an index of matters being filed. A certified copy of the Docket Sheet is attached as Exhibit "B." A copy of the citation served on

UPC is attached as Exhibit "C." A copy of Plaintiffs' Original Petition is attached as Exhibit

"D." A copy of UPC's Original Answer to Plaintiffs' Original Petition is attached as Exhibit "E."

The list of Counsel and Parties to the Case is attached as Exhibit "F." A copy of this Notice is

also being filed with the state court and served upon the Plaintiffs.

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and

division embrace Hidalgo County, Texas, the place where the removed action has been pending.

B. Basis for Removal

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a),

1441(a) and 1446. This is a civil action between citizens of different states, and the amount in

controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

7. Plaintiffs are, and were at the time the lawsuit was filed, residents and citizens of

Texas.

8. UPC was at the time this action was commenced, and still is, a foreign (Florida)

property and casualty insurance company authorized to do business in the State of Texas. UPC is

organized under Chapter 982 of the Texas Insurance Code.

9. Upon information and belief, Defendant Tanji Meador was at the time this action

was commenced, and still is, a resident and citizen of Florida.

10. Therefore, complete diversity of citizenship exists between Plaintiff and the

Defendants.

11. In addition, the amount in controversy exceeds \$75,000.00. Plaintiffs' Petition

seeks damages "over \$100,000 but not more than \$200,000." See Exhibit D § XI.

C. Conclusion and Prayer

Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. UPC hereby removes this case to this Court for trial and determination.

Respectfully submitted,

By: /s/ Rhonda J. Thompson

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COUNSEL FOR DEFENDANT UPC

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of January, 2016, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

Kevin S. Baker Mahsa Tajipour KETTERMAN ROWLAND & WESTLUND 16500 San Pedro, Suite 302 San Antonio, Texas 78232 Counsel for Plaintiffs

> /s/ Rhonda J. Thompson Rhonda J. Thompson